

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Cheyanne Ralph	Team: Squad #2	CCRB Case #: 201801337	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 02/20/2018 8:20 AM	Location of Incident: 80 North Moore Street	Precinct: 01	18 Mo. SOL 8/20/2019	EO SOL 8/20/2019	
Date/Time CV Reported Tue, 02/20/2018 8:59 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Tue, 02/20/2018 8:59 AM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM John Shapiro	12753	949655	001 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Owen Krol	09220	963596	001 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM John Shapiro	Abuse: Police Officer John Shapiro threatened to seize § 87(2)(b)'s property.	

Case Summary

On February 20, 2018, § 87(2)(b) filed this complaint by telephone with the Civilian Complaint Review Board.

At approximately 8:20 a.m., on February 20, 2018, Police Officer John Shapiro and Police Officer Owen Krol of the First Precinct responded to a motor vehicle accident involving § 87(2)(b) in the vicinity of 80 North Moore Street, in Manhattan. When Police Officer Shapiro arrived on scene he asked § 87(2)(b) for her driver's license, registration and insurance but § 87(2)(b) did not have her driver's license. Police Officer Shapiro allegedly told § 87(2)(b) that if she was unable to produce her driver's license, he would tow her vehicle (**Allegation A: Abuse of Authority**, § 87(2)(g)). Police Officer Shapiro issued summons #§ 87(2)(b) for operating a motor vehicle without insurance, and summons #§ 87(2)(b) for violating street cleaning parking rules to § 87(2)(b) (Board Review 01).

No video footage was found in this case.

Findings and Recommendations

Allegation A: Abuse of Authority- Police Officer John Shapiro threatened to seize § 87(2)(b)'s property.

§ 87(2)(b) provided a telephone statement to the CCRB on February 26, 2018 (Board Review 02), and was interviewed at the CCRB on May 30, 2018. Police Officer Shapiro was interviewed at the CCRB on June 29, 2018.

It is undisputed that Police Officer Shapiro threatened to seize § 87(2)(b)'s vehicle if she could not provide her driver's license.

§ 87(2)(b) and testified that when Police Officer Shapiro arrived on scene he asked her for her driver's license. § 87(2)(b) explained to him that because she worked as a laborer, she did not have her driver's license with her because she is required to hand it in when she arrives at the construction site so that she could obtain her work ID for the day. She further advised Police Officer Shapiro that it takes a while for the elevators to move in the building and gave him her registration. Once § 87(2)(b) gave Police Officer Shapiro her registration she walked to the construction site entrance to obtain her driver's license. As she was walking to the entrance, Police Officer Shapiro told § 87(2)(b) that if she did not come back downstairs with her license, he would tow her vehicle. § 87(2)(b) could not recall Police Officer Shapiro's exact statement at the time of her CCRB interview.

Police Officer Shapiro confirmed that when he arrived at the location he asked § 87(2)(b) for her license, registration, and insurance card and instead § 87(2)(b) provided her name and date of birth, and told him that she did not have her driver's license or any form of photo identification and did not have her insurance or registration for the vehicle. The only form of identification § 87(2)(b) had was a credit card with the name she provided to him. § 87(2)(b) told Police Officer Shapiro that he could look her name up in the system using her name and date of birth to see that she had a valid driver's license. Police Officer Shapiro told § 87(2)(b) that he could not just

accept her name and date of birth and would need legal documentation proving her identity, and proof of insurance for the vehicle. § 87(2)(b) said that her driver's license was upstairs in the construction site, and did not have time to go upstairs and retrieve it because it would be difficult for her to do so. Police Officer Shapiro could not recall why § 87(2)(b) was unable to produce her license or registration at the time of his interview.

Police Officer Shapiro explained to § 87(2)(b) that he needed to complete his part of the motor vehicle accident report and would be willing to sit and wait for her to go upstairs and get her driver's license. § 87(2)(b) remained seated in her vehicle and stated that it would take her some time to go upstairs and get her license. Police Officer Shapiro told § 87(2)(b) that if she was unable to provide him with any of the information that he needed, he was going to have to voucher her vehicle. Approximately 30-45 minutes later, § 87(2)(b) showed Police Officer Shapiro a picture of her driver's license on her mobile phone. Police Officer Shapiro accepted this photograph as a form of ID, which he stated to the CCRB that he was not supposed to do. Because Police Officer Shapiro accepted the photograph he no longer needed to impound § 87(2)(b)'s vehicle and was able to continue with the accident report.

When officers respond to a vehicle accident, they must obtain driver's license, vehicle registration, and insurance identification card from all vehicles involved. Patrol Guide Procedure 217-01 (Board Review 03). If officers have questions about the true ownership of an occupied vehicle, but an arrest is not warranted, officers are to take the vehicle into custody to determine the true owner. Patrol Guide Procedure 218-19 (Board Review 04).

§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint involving § 87(2)(b) (Board Review 05).
- Police Officer John Shapiro has been a member of the NYPD for eight years and has thirteen prior CCRB allegations pleaded against him, none of which were substantiated § 87(2)(g)

Mediation, Civil and Criminal Histories

- § 87(2)(b) was offered mediation during a telephone statement and she agreed to mediate this complaint. The case was sent to the mediation unit on March 15, 2018, but was returned on May 22, 2018, § 87(2)(b)
- According to the New York City Comptroller's Office, as of July 16, 2018, no Notice of Claim has been filed in regards to this incident (Board Review 06).
- According to the Office of Court Administration, § 87(2)(b) has no history of convictions in New York City (Board Review 07).

